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While there is not unanimity among the circuits as to claims of indictment based on alleged perjured testimony,¹ I find that there has not been a sufficient showing here that would justify the dismissal of the Indictment against the defendant in this case.

Accordingly, it is **ORDERED** that the Motion to Dismiss Indictment is DENIED.

ENTER: May 11, 2009

/s/ JAMES P. JONES
Chief United States District Judge

¹ Compare, e.g., *United States v. Basurto*, 497 F.2d 781, 784 (9th Cir. 1974), with *United States v. Reyes-Echevarria*, 345 F.3d 1, 5 (1st Cir. 2003).